

Application Serial No. 10/645,849

REMARKS

Claims 1 and 24 have been amended and claims 3 and 29 have been canceled without prejudice. The claim amendments are supported in canceled claim 3, and also in the paragraph at page 12, line 16 of the specification, which is amended (on the preceding page) to use the literal language of the amended claims.

In response to the Office Action of June 15:

(1-4) Claim 29 was rejected under § 112. This claim is canceled; the rejection is moot.

(5-6) Claims 1, 3, 5, 7, 9, 16, 19, 24 - 29, and 59 are rejected under 35 USC §103(a) based on Liu in view of AAPA, Inoue '119, and Inoue '821. This rejection is respectfully traversed.

Claim 1 recites “a reproducing-condition changing section [e.g., disk-shaped area 121 in Fig. 1] independent of the change condition selecting section [e.g., Quick Return button 115], the reproducing condition changing section comprising a single device *that detects both of a rotating operation and a touching operation* including a pressing operation” (emphasis added). The DJ operator can send two distinct signals: one by merely touching, and the other by rotating. The bold-face “and” in claim 1 quoted above recites that there are these two distinct signals from the one reproducing-condition changing section.

This feature of claim 1 allows both scratching and cueing to be performed with one device, and provides the advantage over the prior art which is set out in the specification: “the player can play with operating feelings substantially ... like with a record player.... the player can easily conduct the scratch, the pitch bend (changing the reproducing speed), the back cueing

*Application Serial No. 10/645,849*

(changing the reproducing position to the cue point) or combination of the playing methods by executing with a single hand the rotation operation or the pressing down operation to the reproducing state changing section 120."

**Inoue '119.** The Examiner admits that the other references do not disclose "a single element capable of detecting both a pressing operation and a rotating operation," and applies the jog dial 27 of Inoue for assertedly disclosing the concept of using a single element for detecting both pressing and rotation.

(1) According to Inoue '119 the jog dial is used for "designating AMS," or incrementing or decrementing "to aid character selection" (cited text). Inoue '199 also discloses (col. 5, line 22) that "the rotational operation of the jog dial 27 provides increments and decrements during program number selection [or is used for] incrementing and decrementing during list selection."

As to the pressing operation, Inoue continues, "The jog dial 27 can also be push operated, with this push operation functioning as the enter operation in disc name input mode, program name input mode, program setting mode and multi-access mode etc. The push operation of the jog dial 26 can also combine the playback operation in the same way as the operation for the playback key 24."

The Examiner is invited to note that, while both pressing and rotating are disclosed, the effects of these operations are completely *disjoint and unrelated*. There is no connection between scrolling through a list and an Enter command for an operation modes. Simultaneous pressing and rotation of the Inoue '119 jog dial will not affect the flow of any data, or affect any

*Application Serial No. 10/645,849*

other single thing simultaneously. Simultaneous pressing and rotating operations of the jog dial 27 would not have any predictable effect.

To the contrary, claim 1 recites that the effects of the reproducing-condition changing section are to stop, change start position, etc., of the claimed “reproduction processing,” which is a single thing, not a mode plus a list.

(2) Furthermore, it cannot be determined from the disclosure of Inoue '119 that the jog dial 27 is not a rotating rim surrounding a non-rotating push button, i.e., two separate devices juxtaposed—and not a single device, as now claimed.

**Claim 3.** The features of claim 3, now incorporated into claims 1 and 24, include “a positional instruction recognizing section that ... changes start position of the reproduction-processing on detecting the touching operation by the reproducing-condition changing section to the cue point recognized by the positional instruction recognizing section.” For example, touching the Applicants’ disk-shaped area 121 can cue to a predetermined point in the track.

The features of claim 3 were rejected over AAPA alone, the Examiner asserting (Action page 5, paragraphs 3-5) that these features are inherent in the specification between page 1, line 25 and page 2, line 3. The applied specification text reads:

With the information reproducing unit as described above, when it is required to replay a same phrase in repetition or to jump to a position from which replay should be started, a specific position (cue point) is registered. *Jumping to a specific position can be performed by pressing a cue button to start replay from the cue position ... however, when replay is to be started or stopped, the operator is required to touch the touch sensor. Further, when it is necessary to replay a phrase in repetition or to jump to a position from which replay should be started, the operator presses the cue button.* Therefore, with the reproducing unit for reproducing information from a recording medium such as a CD, *a number of*

SEP 15 2009

*Application Serial No. 10/645,849*

*operating members are required* to stop or restart replay, replay a phrase in repetition, and jump to a position from which replay should be started by, for instance, operating three operating members of a touch sensor, a cue button, and a play button, and in that case, it is difficult to operate the operating members with a single hand.

The Applicants respectfully question how two operations from *one* device are asserted to be inherent in two operations from *two* devices. Clarification is requested.

The rejection of independent claim 24 is traversed on the same grounds, and the rejections of the dependent claims are traversed on the allowability of their base claims, among other things.

(7) Claim 11 was rejected under 35 USC §103(a) based on Liu in view of AAPA, Inoue '119, Inoue '821, and Marshak, US 4,524,452. This rejection is respectfully traversed on the grounds above.

In view of the aforementioned amendments and accompanying remarks, the application is submitted to be in condition for allowance, which action is requested.

Respectfully submitted,

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